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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING NOTICE:

BOARD OF DENTISTRY & DENTAL HYGIENE

DATE AND TIME:

Thursday, December 15, 2011 at 3:00 p.m.

PLACE:

861 Silver Lake Boulevard, Dover, Delaware
1st Floor PSC Hearing Room, Cannon Building

APPROVED:

January 10, 2012

MEMBERS PRESENT

Blair Jones, DMD, Professional Member, President
John Lenz, DDS, Professional Member, Secretary
Neil McAneny, DDS, Professional Member
Thomas Cox, DDS, Professional Member
Robert Director, DDS, Professional Member
Joan Madden, RDH, Professional Hygiene Member
Nathaniel Gibbs, Public Member
Cheryl Calicott-Trawick, Public Member
Bernadette Evans, Public Member
Bonnie Thomas, RDH, Hygiene Advisory Member
Debra Bruhl, RDH, Hygiene Advisory Member
Buffy Parker, RDH, Hygiene Advisory Member

MEMBERS ABSENT

None

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patricia Davis-Oliva, Deputy Attorney General
Michele Howard, Administrative Specialist II

PUBLIC PRESENT

Fay Rust, RDH
Dr. Greg McClure, Division of Public Health
Vince Bailey, Wilcox & Fetzer

CALL TO ORDER

Dr. Jones called the meeting to order at 3:03 p.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the November 4, 2011 Board meeting. Dr. Director made a motion, seconded by Ms. Madden, to approve the minutes as presented. The motion passed unanimously.

PUBLIC HEARING, 3:15 PM, RULES & REGULATIONS GOVERNING CONTINUING EDUCATION

BOARD PRESENT: Dr. Blair Jones, Dr. John Lenz, Dr. Neil McAneny, Dr. Robert Director, Dr. Thomas Cox, Joan Madden, Nathaniel Gibbs, Cheryl Calicott-Trawick, Bernadette Evans, Bonnie Thomas, Debra Bruhl, Buffy Parker,

PRESIDING: Dr. Blair Jones, President

BOARD STAFF: Michele Howard, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva

PUBLIC PRESENT: Fay Rust, RDH; Dr. Greg McClure, Division of Public Health

COURT REPORTER PRESENT: Vincent J. Bailey, Wilcox and Fetzer

The hearing began at 3:16 p.m. The court reporter took verbatim testimony. DAG Patricia Davis-Oliva identified herself and introduced a public notice from The News Journal as Board's Exhibit 1 and a public notice from the Delaware State News as Board's Exhibit 2. Ms. Davis-Oliva asked, and Ms. Howard responded, that no written public comment was received by the Board office. Ms. Davis-Oliva read aloud the purpose of the public hearing and opened the floor for statements from the public regarding the proposed amendments.

Fay Rust identified herself for the record and proposed that the Board approve the amendments as written. Ms. Rust questioned whether the Board would accept annual ADA in-office infection control training for continuing education credit. A discussion followed between Ms. Rust, Dr. Director, Dr. McAneny, and Dr. Lenz.

Dr. Greg McClure identified himself for the record and questioned whether his program titled, "Special Smiles", would be accepted for continuing education credit, since the Board is no longer accepting volunteer dentistry as CE. Ms. Davis-Oliva advised Dr. McClure that the topic he referenced was not part of the hearing, and that the Board would consider his request later in the meeting.

There being no further public comment, the Board went off the record at 3:28 p.m. to deliberate. Ms. Howard distributed copies of the proposed amendments to each member for review. The Board went back on the record at 3:39 p.m. Dr. McAneny made a motion, seconded by Ms. Bruhl, to accept the proposed changes to the Rules and Regulations governing continuing education as published. The motion passed unanimously. Ms. Davis-Oliva advised that the Board will sign the final order at its next meeting. The Board thanked Ms. Rust for her comments. The hearing concluded at 3:40 p.m.

UNFINISHED BUSINESS

Sign Board Order, Dr. Peter Subach

Ms. Davis-Oliva circulated the final Board Order of Dr. Peter Subach for signatures.

Joint Sunset Committee Review

There was nothing new to report regarding the Joint Sunset Committee. Ms. Howard stated that the item will continue to remain on the agenda until the JSC releases the Board from review.

Legislative Update

Proposal to Change the Qualifications to Take Clinical Exams

Proposal Regarding Chaperoning Children During Exams(HB 456)

Ms. Davis-Oliva advised that the bills have been drafted, and that DAG Reardon will present the bills with a memo to the Division of Professional Regulation. DAG Reardon will finalize the memo and forward it for Dr. Jones' review before the legislators are back in session.

Proposed Amendments to Rules and Regulations Governing Anesthesia

Ms. Davis-Oliva advised that a public hearing has been scheduled at 3:15 p.m. on January 12, 2012, in the first-floor PSC Hearing Room of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Review Recommendations from Dr. Giordano for New Appointments to the Anesthesia Advisory Committee

Ms. Howard read aloud the names of Dr. Giordano's recommendations. Dr. McAneny made a motion, seconded by Dr. Director, to approve both Dr. Lou Rafetto and Dr. Norm Lippman as new members of the Anesthesia Advisory Committee. The motion passed unanimously.

Re-Review of Applications for Licensure Benjamin Gilbert III, Dental Licensure (PA discipline & W2s)

Ms. Howard and Dr. Lenz summarized the Board's previous review and decision regarding Dr. Gilbert's application, noting that the Board had requested that Dr. Gilbert submit proof individual tax returns or W2s as proof of three years active practice. Dr. Gilbert responded to the Board's request by submitting his own letter stating that he is the founder and Dental Director of Gilbert Dental Center, and additional 1099s for Gilbert Dental Clinic. Dr. Lenz reviewed the additional documentation submitted by Dr. Gilbert, and advised Dr. Gilbert still has not provided proof of active practice. After discussion, Dr. Lenz made a motion, seconded by Dr. Jones, that the Division send another letter to Dr. Gilbert requesting individual tax returns or W2s as previously requested, AND attestations from long-term patients or employees. The motion passed unanimously. Dr. Director made a motion, seconded by Dr. Lenz, to amend the original motion to include "professional colleagues" as another acceptable source of attestation. The motion passed unanimously.

Dr. Glen Goleburn, Unrestricted Permit (Millsboro Office)

Ms. Davis-Oliva summarized the Board's decision from its last meeting regarding Dr. Goleburn's application for an Unrestricted Permit at his new Millsboro office. Ms. Davis-Oliva stated that it was the recommendation of the Board's Anesthesia Advisory Committee to wait until the Regulations governing anesthesia are changes before proceeding with Dr. Goleburn's application. Ms. Davis-Oliva added that Dr. Goleburn's position is that he does not want to wait for the Regulations to be changed. Ms. Davis-Oliva stated that DAG Reardon's recommendation is that the Board issue a temporary 90-day Unrestricted Permit to Dr. Goleburn for his Millsboro office under the Board's current Rules and Regulations. The temporary 90-day permit can be changed to an Unrestricted Permit-Facility after the Rules and Regulations have been changed. Dr. Jones questioned whether Dr. Goleburn will need to reapply, and Ms. Davis-Oliva responded no, that the Division will do a conversion of Dr. Goleburn's license. Dr. Director made a motion, seconded by Dr. McAneny, to grant a temporary 90-day Unrestricted Permit to Dr. Goleburn for his Millsboro office, which will convert to an Unrestricted Permit-Facility once the Board's Rules and Regulations are amended. The motion passed unanimously.

Confirmation of Spring 2012 Clinical Exam Dates at DelTech

Ms. Howard confirmed that the Spring 2012 exam dates will be May 23rd, 24th and 25th.

Discussion of Patient Exams – Dr. Director

Dr. Director stated that he had received complaints from patients that dentists are not present during dental exams. Based on the Board's discussion at its November meeting, Dr. Director researched surrounding states regarding patient exams and provided a brief summary of each state's regulations. After discussion, Dr. McAneny made a motion, seconded by Dr. Director, to add the following language to the Board's Rules and Regulations: *The dentist must perform at least one clinical examination of the patient within a 12-month period.* The motion passed unanimously.

NEW BUSINESS

Ratification of Licenses/Permits Issued by DPR Since November Board Meeting:

Dentist License - None

Dental Hygienist Licensure - None

Dentist Limited Resident - None

Restricted Permit I - None

Restricted Permit II

Alan Son Nguyen

Jeffrey Evan Felzer

Douglas Jason Decouto

Mary Josephine Massaro

Laura Ann Dougherty

Dr. Jones read aloud the names of applicants who have received a Restricted Permit II since the Board's last meeting. Dr. Director made a motion, seconded by Dr. McAneny, to ratify the issuance of the listed permits. The motion passed unanimously.

Unrestricted Permit - None

Review of Applications for Licensure - None

Consent Order, Dr. Bruce Fay, Complaint 09-03-10

Ms. Davis-Oliva read aloud the proposed Consent Agreement for Dr. Bruce Fay. Ms. Davis-Oliva confirmed that Dr. Lenz was the Board Contact for the complaint. After discussion, the Board agreed that the proposed discipline is not strong enough for such a serious offense. Dr. McAneny made a motion, seconded by Ms. Madden, to reject the proposed agreement. The motion passed by a majority vote, with Dr. Lenz abstaining. Ms. Davis-Oliva will notify the State's Prosecutor of the Board's decision.

Dr. McAneny stated that he will contact the members of the Anesthesia Advisory Committee and invite them to attend an upcoming meeting to discuss anesthesia permits and inspections with the Board.

Letter to Legislators from the Commission on Medicaid Cost / Health Care Containment – Dr. Jones

Dr. Jones summarized the letter for the Board, and expressed his concern that there was no dental representation on the Commission. Dr. Jones stated that the Board should have been contacted for input before the letter was submitted to the Joint Sunset Committee. Dr. Jones asked the Board to consider sending a letter to the Committee stating the Board's concern that it was not asked to participate in the Commission. Dr. McAneny stated that the Board's letter should point out errors in the Commission's letter. Dr. Director stated that the minutes of the Commission's meetings are available to the public. Dr. Director made a motion, seconded by Ms. Parker, to have Dr. Jones draft a letter on the Board's behalf, to email the draft letter to all Board members for review, and to discuss the draft letter at the Board's January meeting. The motion passed unanimously.

Letter from Temple Regarding Rotation Requirements of Specialty Residencies

Dr. Jones read aloud a letter from Dr. Orhan C. Tuncay of Temple University's Kornberg School of Dentistry. After discussion, Dr. Director made a motion, seconded by Dr. McAneny, that the Board send a letter requesting documentation that Temple's course syllabus fulfills the requirements set forth in item 4.0 of the Board's Rules and Regulations. The motion passed by a majority vote, with Dr. Lenz opposed.

COMPLAINT STATUS

Dr. Jones stated that complaints 09-17-11 and 09-18-11 had been assigned to Dr. McAneny.

CORRESPONDENCE

Letter from Patrick D. Braatz, Executive Director, Oregon Board of Dentistry

Dr. Jones summarized the letter from the Oregon Board of Dentistry. After discussion, Dr. McAneny made a motion, seconded by Dr. Director, to send a letter to the ADA affirming the Board's support of Dr. Braatz's position. The motion passed unanimously.

Ms. Davis-Oliva left the meeting at 5.08 p.m.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Amended 2012 Meeting Schedule

Ms. Howard distributed copies of the revised 2012 meeting schedule, and noted that the January meeting date had been changed to one week after the clinical exams, rather than two weeks after. All other meeting dates remained the same.

Recognition of Former Hygiene Advisory Committee Member, Fay Rust

The Board recognized Fay Rust and thanked her for her many contributions to the Board over her 12 years on the Hygiene Advisory Committee. Ms. Rust thanked the Board for its acknowledgement and noted some of the Board's most significant decisions that she contributed to. Ms. Rust stated that DAG Reardon is a "gem" and that Ms. Howard is the Board's "diamond". Dr. Jones presented certificates of appreciation to Ms. Rust from the Board, Division Director James Collins, and Secretary of State Jeffrey Bullock.

PUBLIC COMMENT

The Board recognized Dr. Greg McClure of the Division of Public Health. Dr. McClure expressed concern that the Board no longer recognizes volunteer dentistry for continuing education credit. Dr. McClure explained the "Special Smiles" program, which includes one hour of instruction, an exam, and volunteer dentistry. Dr. McClure advised that the program is approved by the AGD and a certificate of completion is provided to participants. The Board unanimously agreed that any program approved by the AGD for continuing education credit is also approved by the Board.

Dr. McAneny stated that the Board's next agenda should include a discussion of what constitutes proof of active practice. Dr. Director will present draft language at the Board's next meeting regarding active practice. Dr. McAneny and Dr. Director also recommended that dentist applicants meet the same practice requirements as hygiene applicants, which is active practice for three of the past five years.

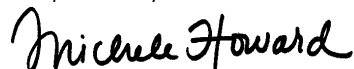
NEXT MEETING

The next Board meeting will be Thursday, January 12, 2012, at **3:00 p.m.** in the **first floor PSC Hearing Room** of the Cannon Building.

ADJOURNMENT

Dr. Director made a motion, seconded by Dr. McAneny, to adjourn the meeting at 5:21 p.m. The motion to adjourn passed unanimously.

Respectfully Submitted,



Michele Howard
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.